REMARKS

This Amendment is fully responsive to the final Office Action dated November 23, 2009, issued in connection with the above-identified application. Claims 1-3, 5-10 and 12-19 are pending in the present application. A request for continued examination (RCE) is included with this Amendment. With this Amendment, claims 1, 5, 7, 8, 12, 14, 15 and 17 have been amended, and claims 3, 10 and 16 have been canceled without prejudice or disclaimer to the subject matter therein. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-3, 7-10, 14-16 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake (U.S. Patent No. 5,877,755, hereafter "Hellhake") in view of Porter (U.S. Patent No. 5,659,539, hereafter "Porter").

The Applicants have amended independent claims 1, 8 and 15 to more clearly distinguish the present invention from the cited prior art. Independent claim 1 (as amended) recites the following features:

"[a] non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user and providing a user interface unique to each service, the system comprising:

a transmission means for sending out a control content, which implements the user interface, as a part or a whole of a content; and

a reception means for receiving the sent control content and activating the received control content to execute the user interface,

wherein said transmission means includes:

a content sending means for sending out a content containing the control content; and

a service attribute information sending means for sending out service attribute information indicating details of the service,

wherein said reception means includes a control content identification means for identifying the control content from among the received content, based on the received content and the service attribute information,

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wherein the content sending means includes a content header addition means for adding, to the content, a content header which defines details of the content, and

said reception means identifies the control content from among the received content, based on the content header of the received content." (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 8 and 15 (as amended). That is, independent claim 8 is a method that includes steps directed to the features of the system of independent claim 1 emphasized above. And, independent claim 15 is a reception device having similar features of the system of independent claim 1 emphasized above. Additionally, the features emphasized above in independent claim 1 (and similarly recited in independent claims 8 and 15) are fully supported by the Applicants' disclosure (see e.g., Figs. 4-6).

The present invention (as recited in independent claims 1, 8 and 15) is distinguishable from the cited prior art in that a control content is identified based on service attribute information, which indicates details about a service; and a content header which defines details of the content. These features of the present invention (as recited in independent claims 1, 8 and 15) allow for a control content is be easily and accurately identified.

In the Office Action, the Examiner relies on the combination of Hellhake and Porter for disclosing or suggesting all the features recited in independent claims 1, 8 and 15. However, the Examiner relies primarily on Porter for disclosing or suggesting a device or method that adds, to the content, a content header which includes information indicating whether content is the control content or not.

However, the Applicants assert that Porter fails to disclose or suggest at least a control content identified based on service attribute information, which indicates details about a service; and a content header which defines details of the content, as now recited in independent claims 1, 8 and 15 (as amended).

In the Office Action, the Examiner relies specifically on col. 8, lines 18-43 of Porter. Porter at col. 8, lines 18-43 discloses the following:

"[e]ach PES packet has a header that identifies the length and contents of the PES packet. In the illustrated example, a PES packet 250 contains a header 248 followed by a sequence of

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transport packets 251-262. PES packet boundaries coincide with valid transport packet boundaries. Each transport packet contains exclusively one type of data. In the illustrated example, transport packets 251, 256, 258, 259, 260 and 262 contain video data. Transport packets 252, 257 and 261 contain audio data. Transport packet 253 contains control data. Transport packet 254 contains timing data. Transport packet 255 is a padding packet.

Each transport packet has a header. The header includes a program 10 ("PID") for the packet. Packets assigned PID 0 are control packets. For example, packet 253 may be assigned PID 0. Other packets, including other control packets, are referenced in the PID 0 packets. Specifically, PID 0 control packets include tables that indicate the packet types of the packets that immediately follow the PID 0 control packets. For all packets which are not PID 0 control packets, the headers contain PIDs which serve as a pointers into the table contained in the PID 0 control packet that most immediately preceded the packets. For example, the type of data contained in a packet with a PID 100 would be determined by inspecting the entry associated with pro 100 in the table of the PID 0 control packet that most recently preceded the packet." (Emphasis added).

As noted above, the control packet PID 0 set forth in Porter merely describes whether or not a program 10 (i.e., "PID") contained in the packet is a control packet. Thus, the present invention (as recited in independent claims 1, 8 and 15) is clearly different from Porter for at least the reasons noted below.

The control packet PID 0 described in Porter indicates a PAT (Program Association Table), which is defined in an MPEG2 system. The control content of the present invention (as recited in independent claims 1, 8 and 15) is different from the control packet PID 0 described in Porter in that the control content (of the present invention) is a browser or the like which is required for controlling reproduction of the content.

More specifically, the control packet PID 0 in Porter indicates a relationship between a PAT and tables (e.g., PMT) except PAT, which is different from the relationship between a content and a browser or the like, as in the present invention (as recited in independent claims 1, 8 and 15). In the present invention (as recited in independent claims 1, 8 and 15), a control content is identified based on service attribute information, which indicates details about a

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service; and a content header which defines details of the content. No such features are believed to be disclosed or suggested by Porter.

Moreover, Hellhake is not relied on by the Examiner for disclosing or suggested the features of the present invention (as recited in independent claims 1, 8 and 15) discussed above. Regardless, after a detailed review of Hellhake, the reference fails to overcome the deficiencies noted above in Porter.

Accordingly, no combination of Hellhake and Porter would result in, or otherwise render obvious, independent claims 1, 8 and 15 (as amended). Likewise, no combination of Hellhake and Porter would result in, or otherwise render obvious, claims 2, 3, 7, 9, 10, 14, 16 and 19 at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

In the Office Action, claims 5, 6, 12, 13, 17 and 18 have been rejected under 35 U.S.C 103(a) as being unpatentable over Hellhake in view of Porter, and further in view of Markandey (U.S. Patent No. 6,526,144, hereafter "Markandey").

Claims 5 and 6 depend from independent claim 1; claims 12 and 13 depend from independent claim 8; and claims 17 and 18 depend from independent claim 15. As noted above, Hellhake in view of Porter fails to disclose or suggest all the features recited in independent claims 1, 8 and 15. Moreover, Markandey fails to overcome the deficiencies noted above in Hellhake in view of Porter.

Accordingly, no combination of Hellhake, Porter and Markandy would result in, or otherwise render obvious, claims 5, 6, 12, 13, 17 and 18 at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Mitsuteru KATAOKA

/Mark D. Pratt/
By: 2010.02.23 13:51:50 -05'00'

Mark D. Pratt
Registration No. 45,794
Attorney for Applicant

MDP/ats
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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